IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3932 of 2007()

[CRIME NO.137/07 OF VELLIKULANGARA POLICE STATION]

PETITIONER/ACCUSED NO.1

RAJESH, S/O NARAYANAN,
AGED 45 YEARS, THOMATH HOUSE,
VELLIKULANGARA VILLAGE, KOTTUNGA DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3932 of 2007

Dated this the 29th day of June 2007

O R D E R

Application for anticipatory bail. The petitioner, the second accused faces allegations under the N.D.P.S Act. 10.6 Kgs of Ganja was allegedly found in the possession of the petitioner and his friend who were proceeding on a motor cycle at 7.20 p.m on 2/6/2007. The friend was apprehended with the contraband article. The petitioner was not available for arrest. In the F.I.R registered and in the seizure mahazor, the name of the petitioner is shown clearly. The co-accused was arrested. He continues in custody. According to the petitioner, he is absolutely innocent. Totally false allegations are raised against him without any justification. In these circumstances, it is prayed that anticipatory bail may be granted to the petitioner. The learned Public Prosecutor opposes the application. Sufficient data incriminating the petitioner and pointing to his culpability have been collected, submits the learned Public Prosecutor.

2. I shall scrupulously avoid any detailed discussion on the acceptability of the allegations and the credibility of the data collected. Suffice it to say that I am satisfied that this is not a fit case where the equitable discretion under Section 438 Cr.P.C can or ought to be invoked in favour of the petitioner. This is a fit case where the petitioner must resort to the ordinary and normal procedure of appearing before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail.

3. This petition is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007